

MACFARLANE AUSLEY FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 ZIP 32302
TALLAHASSEE, FLORIDA 32301
(904) 224-9115 FAX (904) 222-7580

111 MADISON STREET SUITE 2000
P.O. BOX 151 ZIP 33601
TAMPA, FLORIDA 33602
(813) 251-8200 FAX (813) 277-4396

ORIGINAL
FOR COPY

400 CLEVELAND STREET
P.O. BOX 1669 ZIP 34617
CLEARWATER, FLORIDA 34615
(813) 441-8966 FAX (813) 442-8470

April 22, 1996

HAND DELIVERY

Tallahassee

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Prudency Review to Determine Regulatory
Treatment of Tampa Electric Company's
Polk Unit; FPSC Docket No. 960409-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Tampa Electric Company are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Objections and Motion for Protective Order Relative to Staff's First Set of Interrogatories to Tampa Electric Company (Nos. 1-39).
2. Tampa Electric Company's Objections to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9) and Motion for Protective Order.
3. Tampa Electric Company's Objections, Motion for Protective Order and Written Response to Public Counsel's First Request for Production of Documents to Tampa Electric (Nos. 1-24).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter

Sincerely,

James D. Beasley
James D. Beasley

DOCUMENT NUMBER-DATE
04616 APR 22 96
1-39
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE
04617 APR 22 96
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE
04618 APR 22 96
FPSC-RECORDS/REPORTING

JDB/pp

cc: All Parties of Record (w/encls.)

ACK _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Prudency Review to Determine)
Regulatory Treatment of Tampa Electric)
Company's Polk Unit.)

DOCKET NO. 960409-BI

FILED: April 22, 1996

**TAMPA ELECTRIC COMPANY'S OBJECTIONS
TO STAFF'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO TAMPA ELECTRIC COMPANY
(NOS. 1-9) AND MOTION FOR PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or the "company"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code and Rules 1.280 and 1.350, Florida Rules of Civil Procedure, hereby submits the following Objections to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9).

The objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten (10) day notice requirement discussed at the April 9, 1996 Issue Identification meeting in this docket. Should additional grounds for objection be discovered as Tampa Electric reviews its documents, the company reserves the right to supplement, revise, or modify its objections prior to the time it produces any documents. Should Tampa Electric determine that a protective order is necessary with respect to any of the materials requested by Staff, Tampa Electric reserves the right to file a motion with the Commission seeking such an order at the time it serves its written response on Staff.

DOCUMENT NUMBER-DATE

04617 APR 22 96

FPSC-RECORDS/REPORTING

The short response time for objections requires the company's response to be somewhat broad and protective. Tampa Electric intends to be cooperative and reasonably respond to these requests.

Notwithstanding the bases for the objections posed herein, Tampa Electric will strive to produce for inspection and copying relevant documents requested by Staff which reasonably relate to the subject matter of this docket.

General Objections

Tampa Electric makes the following general objections to Staff's First Request for Production of Documents.

1. Tampa Electric objects to each and every request contained in Staff's First Request for Production of Documents to the extent that such request calls for information which is exempt from discovery by virtue of the attorney/client privilege, work product privilege or other applicable privilege.

2. Tampa Electric objects to each and every numbered request insofar as the request is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained.

3. Tampa Electric objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to Staff through normal procedures.

4. Tampa Electric objects to each and every numbered document request or definition insofar as it is unduly burdensome,

expensive, oppressive, or excessively time consuming as written.

5. Tampa Electric objects to each and every numbered request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.50-6, Fla. Stat. To the extent that Staff's numbered requests for production of documents seek proprietary confidential business information which is not subject to the "trade secrets" privilege, Tampa Electric will make such information available to Staff pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

6. Tampa Electric objects to each and every numbered request to the extent the same calls for information, the public disclosure of which could adversely affect the ability of Tampa Electric to secure, for the benefit of its customers, favorable legislation or favorable tax treatment. Such information is confidential proprietary business information which is entitled to protection against public disclosure under Section 366.093, Florida Statutes. Tampa Electric also objects to the disclosure of such information on the ground that such disclosure would have a chilling and adverse effect on Tampa Electric's First Amendment right to petition government for relief beneficial to the company and its customers. The company's objections in this regard are specifically applicable to Staff's Request for Production of Document Nos. 6 and 7.

7. Tampa Electric is a large corporation with employees located in many different locations. In the course of its

business, Tampa Electric creates numerous documents that are not subject to Florida Public Service Commission or other governmental records retention requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document may be provided in response to these discovery requests. Rather these responses provide all of the information obtained by Tampa Electric after a reasonable and diligent search conducted in connection with this discovery request. This includes all files that are reasonably expected to contain the requested information. To the extent that the discovery requests purport to require more, Tampa Electric objects on the grounds that compliance would impose an undue burden or expense on the company.

Any documents produced by Tampa Electric in response to Staff's First Request for Production of Documents will be provided subject to, and without waiver, of the foregoing objections.


Motion for Protective Order

Tampa Electric's objections to Staff's First Request for Production of Documents are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So.2d 79 (Fla. 3rd DCA 1979). To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a Protective Order.

To the extent documents are produced for inspection and copying in response to Staff's First Request, they will be produced in the offices of Tampa Electric, 702 North Franklin Street, Tampa, Florida 33602 on and after May 2, 1996 or at such other time or place as the parties may mutually agree.

DATED this 22nd day of April, 1996.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Macfarlane Ausley Ferguson & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(904) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objections to Staff's First Request for Production of Documents to Tampa Electric (Nos. 1-9) and Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 22nd day of April, 1996 to the following:

Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ms. Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
117 S. Gadsden Street
Tallahassee, FL 32301

Mr. Jack Shreve
Mr. John Roger Howe
Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street - #812
Tallahassee, FL 32399-1400

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
100 North Tampa Street
Suite 2800
Tampa, FL 33602



ATTORNEY